

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for Request for a New Development Agreement with a Modification to the Terms of the Agreement Required with the Annexation Ordinance (#737 Haskin Green), by KM Engineering.

Case No(s). H-2023-0064

For the City Council Hearing Date of: March 12, 2024 (Findings on March 26, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 12, 2024, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for a modification to the development agreement is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 12, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of March 12, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT JOE BORTON VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

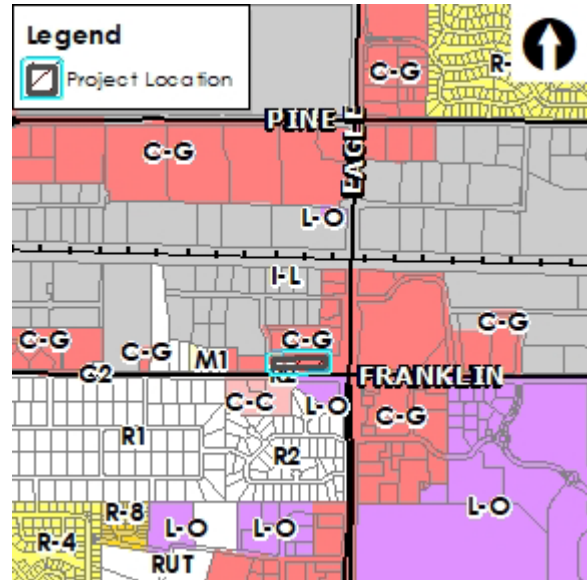
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 12, 2024
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: [H-2023-0064](#)
 Ultra Clean Franklin – MDA
 LOCATION: 3070 E. Franklin Rd., in the SE 1/4 of Section 8, T.3N., R.1E. (Parcel #S1108449810)



I. PROJECT DESCRIPTION

Request for a new development agreement with a modification to the terms of the agreement required with the annexation ordinance (#737 Haskin Green).

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	2.01-acres
Future Land Use Designation	Commercial
Existing Land Use	Vacant/undeveloped
Proposed Land Use(s)	Vehicle washing facility
Current Zoning	C-G (General Retail & Service Commercial)
Proposed Zoning	NA
Physical Features (waterways, hazards, flood plain, hillside)	The land slopes down significantly to the north.
Neighborhood meeting date	11/20/23
History (previous approvals)	Ord. #737 Haskin Green; PBA-2021-0016 (ROS #13121)

III. APPLICANT INFORMATION

A. Applicant:

Stephanie Hopkins, KM Engineering, LLP – 5725 N. Discovery Way, Boise, ID 83713

B. Owner:

WWOZ Boise Meridian, LLC – 3070 E. Franklin Rd., Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	City Council Posting Date
Newspaper notification published in newspaper	2/25/2024
Radius notification mailed to property owners within 300 feet	2/24/2024
Public hearing notice sign posted on site	2/23/2024
Nextdoor posting	2/26/2024

V. STAFF ANALYSIS

The Annexation Ordinance ([#737](#)) approved for the property in 1996, requires the property owner to enter into a Development Agreement (DA) with the City prior to issuance of a building permit or plat approval, whichever occurs first. The ordinance includes requirements for inclusion in the future DA and compliance with the [Findings](#) associated with the annexation. *See DA requirements in Section VII.A below.*

No development has occurred on the property and the property has changed ownership since it was annexed. The original plan was to subdivide the property for individual building sites but that plan never came to fruition. The new owner would like to develop the property with a vehicle washing facility. Because there are many outdated requirements for the DA and references to City Code that are no longer in effect, Staff recommends new provisions with this application that are applicable to the proposed development, which will replace the original ones. The Applicant’s [narrative](#) provides a response to the existing requirements.

A conceptual development plan was submitted, included in Section VII.B, that shows how the site is proposed to develop with a vehicle washing facility. Future development is required to comply with the dimensional standards for the C-G district listed in UDC [Table 11-2B-3](#).

The property is currently zoned C-G (General Retail and Service Commercial), which allows a vehicle washing facility as a principal permitted use, subject to the specific use standards listed in UDC [11-4-3-39](#), as follows:

- A. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan shall demonstrate compliance with the following standards:
 1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons. *Three (3) stacking lanes are proposed, which should provide sufficient capacity to prevent obstruction of the public right-of-way.*
 2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. *Vehicles stack in the drive leading into the carwash on the south side of the building, which is a separate drive than the one on the north side of the building that exits the carwash with access to parking for use of the vacuums.*

3. The stacking lane shall not be located within ten (10) feet of any residential district or existing residence. *There are no residential districts or existing residences within 10 feet of the stacking lanes.*
 4. A letter from the transportation authority indicating the site plan is in compliance with the highway district standards and policies shall be required. *This will be required with the Certificate of Zoning Compliance application.*
- B. Within the industrial districts, a vehicle washing facility shall be allowed only as an accessory use to a gasoline or diesel fuel sales facility for use by non-passenger vehicles. The vehicle washing facility shall be limited in capacity to a single vehicle. The intent is to discourage facilities that cater to passenger vehicles. *Not applicable (this property is in a commercial district).*
- C. Any use that is not fully enclosed shall be located a minimum of one hundred (100) feet from any abutting residential district, and shall be limited in operating hours from 6:00 a.m. to 10:00 p.m. *There are no residential districts abutting this site; however, an extended stay hotel was recently constructed on the abutting property to the north. The Applicant states the proposed hours of operation are from 7:00 am to 9:00 pm. Staff recommends hours are restricted from 6:00 am to 10:00 pm to minimize any negative impacts to the adjacent hotel use.*
- D. If the use is unattended, the standards set forth in [section 11-3A-16](#) of this title shall also apply. *Not applicable (the use will be attended).*

Although residential uses do not abut this site, the extended stay hotel (Waterwalk) to the north will likely be impacted by the noise from the proposed carwash and vacuums. For this reason, Staff recommends the Applicant provide dense landscaping (i.e. a mix of evergreen and deciduous trees and shrubs) that allows trees to touch within five (5) years of planting along the northern boundary of the site. The Applicant states the type of vacuums planned to be installed come with mufflers, which should assist in reducing the noise impacts to adjacent properties. To ensure mufflers are provided, Staff recommends a provision in the DA requiring such.

Access is proposed via N. Olson Ave., a local street along the west side of the site; no access is proposed via E. Franklin Rd., a commercial arterial street, along the southern boundary of the site nor is it allowed. A cross-access easement (Inst. #[2021-105300](#)) was required to this property with the DA for Waterwalk (H-2019-0111, Inst. #[2020-011637](#)), the project to the north. However, there is a 9'3" fall in grade from the proposed driveway to the existing driveway and a significant cross-slope exists, which would make a shared access difficult (see grading exhibit in Section VIII.E below). For this reason, Staff and ACHD supports the proposed access via Olson and does not recommend the cross-access easement with the property to the north is utilized.

An attached sidewalk exists along E. Franklin Rd., which is proposed to be replaced with a detached sidewalk in accord with UDC [11-3A-17C](#). **Staff recommends a 10-foot wide detached sidewalk is installed on this property as well as off-site on the adjacent property to the east owned by ACHD if consent can be acquired from the property owner.**

The Snyder Lateral bisects the western portion of this site within a 40-foot wide NMID easement depicted on the site plan and is proposed to be piped in accord with UDC [11-3A-6B.2](#).

A 35-foot wide street buffer will be required along E. Franklin Rd., an entryway corridor (measured from ultimate back of curb location); and a 10-foot wide street buffer will be required along N. Olson Ave., a local street (measured from back of sidewalk), landscaped in accord with the standards listed in UDC [11-3B-7C](#), including enhanced landscape standards for entryway corridors. Internal parking lot and perimeter landscaping will be required per the standards listed in UDC [11-3B-8C](#).

Conceptual building elevations were submitted as shown in Section VII.D. Building materials consist of a mix of natural limestone and burnished CMU in neutral colors, and woodgrain printed metal cladding. Final

design is required to comply with the design standards in the Architectural Standards Manual.

A Certificate of Zoning Compliance and Design Review application will be required to ensure compliance with UDC standards and the design standards in the [Architectural Standards Manual](#) and must be approved prior to submittal of an application for a building permit.

The DA should include the provisions listed in Section VII.F below.

VI. DECISION

- A. Staff: Staff recommends approval of the proposed Development Agreement modification as requested by the Applicant and as recommended by Staff.
- B. The Meridian City Council heard these items on March 12, 2024. At the public hearing, the Council moved to approve the subject MDA requests.
 1. Summary of the City Council public hearing:
 - a. In favor: Stephanie Hopkins, KM Engineering (Applicant’s Representative); Lori Billaugh
 - b. In opposition: None
 - c. Commenting: Lori Billaud, Kristy Inselman, ACHD
 - d. Written testimony: Stephanie Hopkins, KM Engineering (Applicant’s Representative) – in agreement with staff report
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Bill Parsons
 2. Key issue(s) of public testimony:
 - a. Concern pertaining to the safety of a full access (i.e. left-in and left-out) to/from Olson Ave. on Franklin Rd.
 3. Key issue(s) of discussion by City Council:
 - a. The proximity of Olson Ave. to Eagle Rd. and the safety of a full access without restricted turning movements; and
 - b. Concern pertaining to the maintenance of the property at the corner of Eagle and Franklin owned by ACHD (or the lack thereof).
 4. City Council change(s) to Commission recommendation:
 - a. Council included a provision requiring the Applicant to check into the possibility of entering into a license agreement with ACHD for maintenance and/or improvements of/to the adjacent property to the east (see DA provision #F.8 in Section VII).

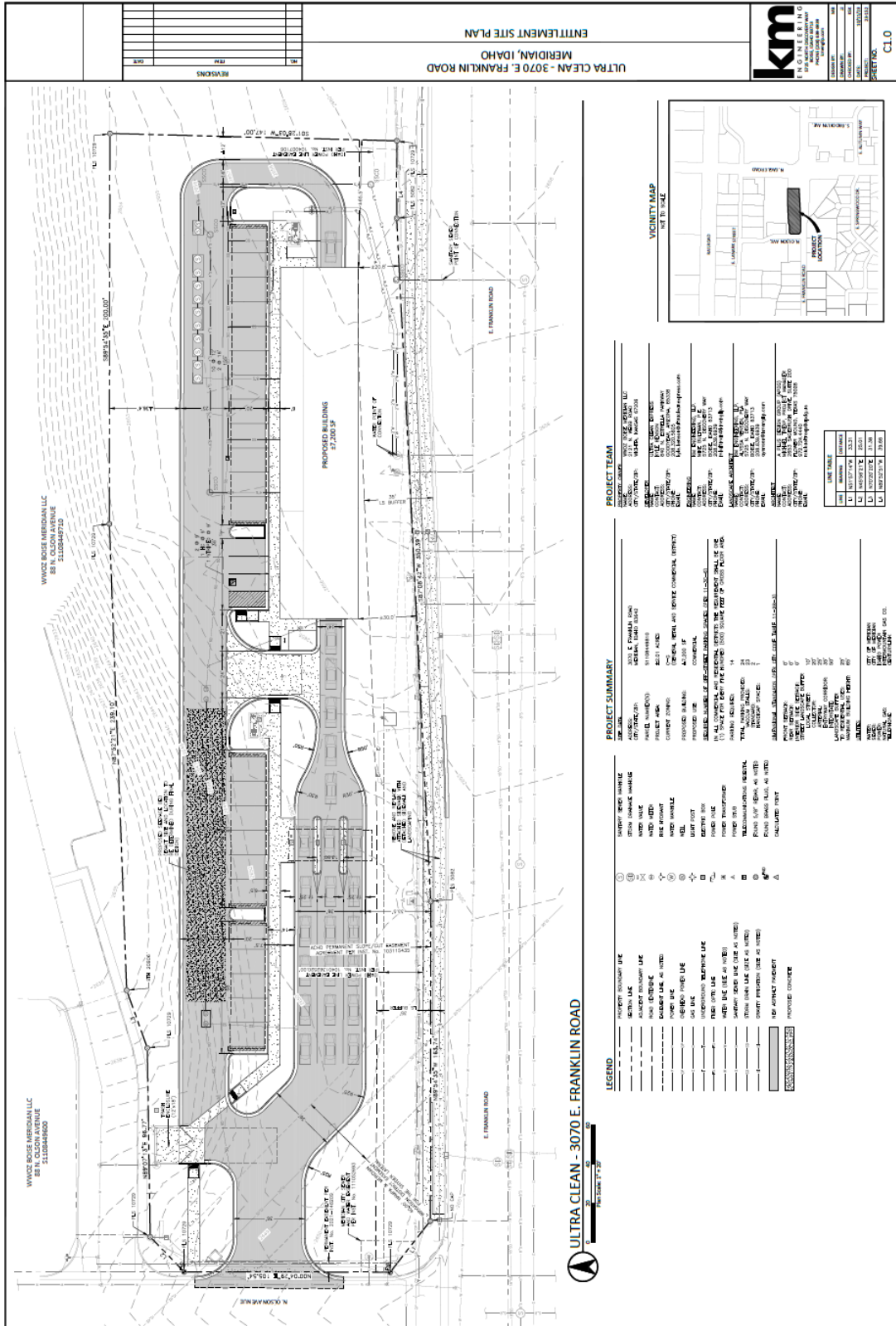
VII. EXHIBITS

A. Existing Requirements in Annexation Ordinance:

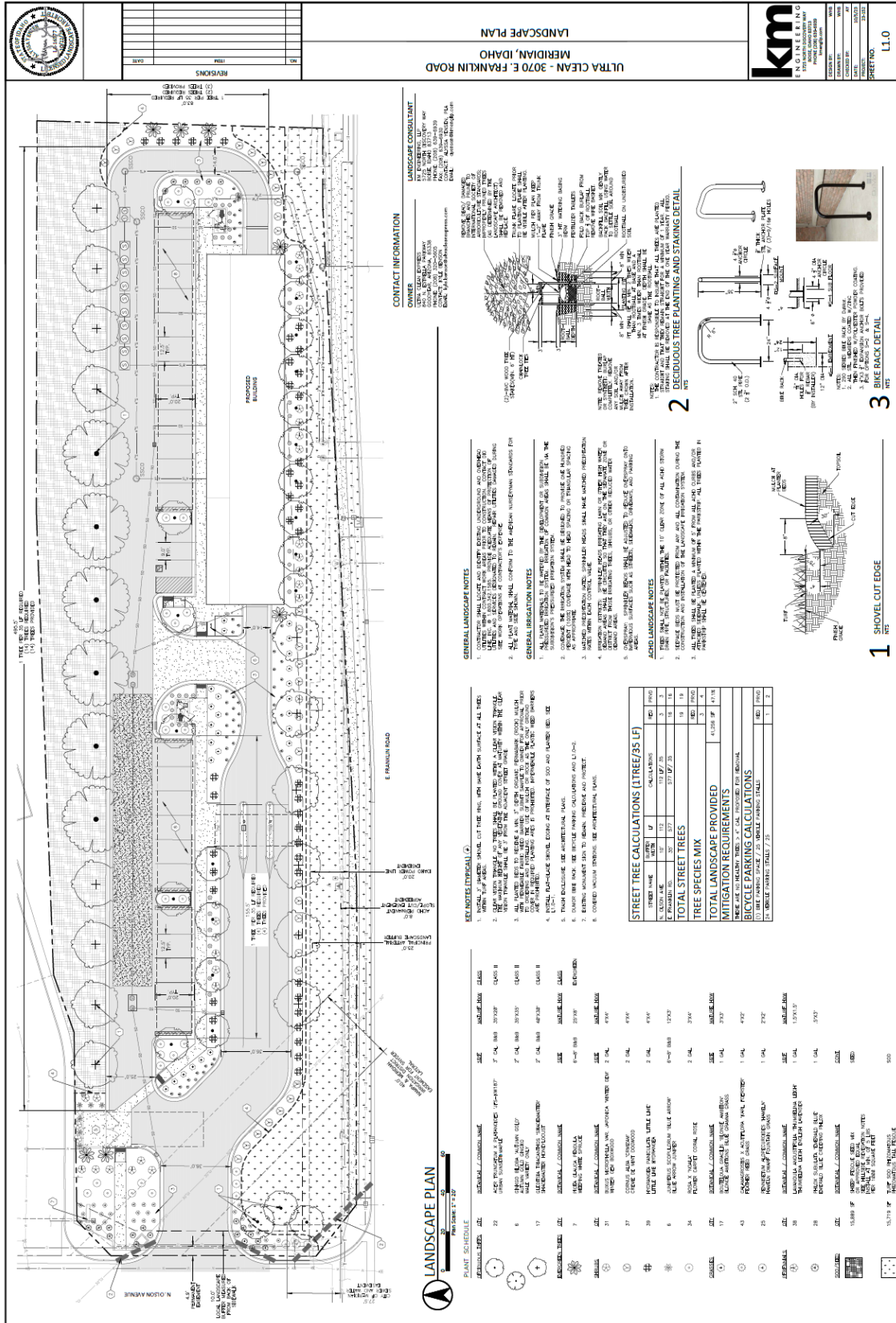
Section 2. That the property shall be subject to de-annexation if the owner shall not meet the following requirements:

- a. That the Applicant will be required to connect to Meridian water and sewer at his expense and resolve how the water and sewer mains will serve the land; the City may enter into a late comers agreement for the extension of the City sewer and/or water; if requested by the Applicants.
- b. That the development of the property shall be subject to and controlled by the Subdivision and Development Ordinance and the Meridian Comprehensive Plan adopted January 4, 1994, and shall only be developed as a commercial or general planned development or under the conditional use process.
- c. That, as a condition of annexation, the Applicant shall be required to enter into a development agreement as authorized by 11-2-416 L and 11-2-417 D prior to the issuance of any building permit or plat approval which ever comes first; that the development agreement shall address inclusion into the subdivision of the requirements of 11-9-605 D, G 1., H, K and L of the Revised and Compiled Ordinances of the City of Meridian and other matters that the property may be de-annexed if the terms and conditions of the Development Agreement are not satisfied.
- d. That the development of annexed land must meet and comply with the Ordinances of the City of Meridian and in particular Section 11-9-616, which pertains to development time schedules and requirements, 11-9-605 M. which pertains to the tiling of ditches and waterways, and 11-9-606 B 14 which pertains to pressurized irrigation.
- e. That these conditions shall run with the land and bind the Applicant, the titled owners, and their assigns.
- f. Meet the requirements and conditions of the Findings of Fact and Conclusions of Law and meet the Ordinances of the City of Meridian, which include that the property must be developed as a commercial or general planned development or under the conditional use permit process.
- g. That the Applicant is required to hook up to the sewer and water and participate in the costs of extending the sewer and water services though the payment of late-comer's fees.

B. Proposed Conceptual Development Plan (dated: 10/11/23)

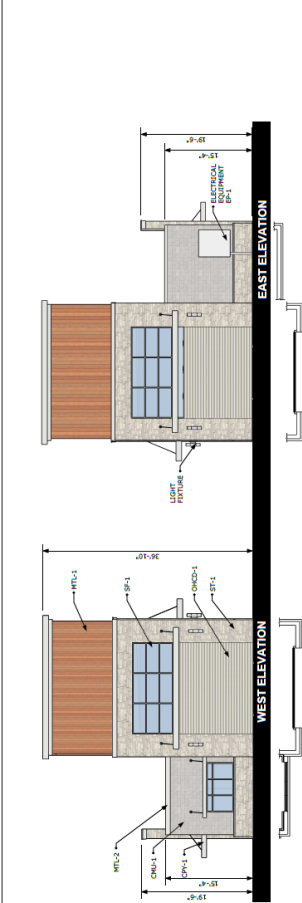


C. Conceptual Landscape Plan (dated: 10/5/23)



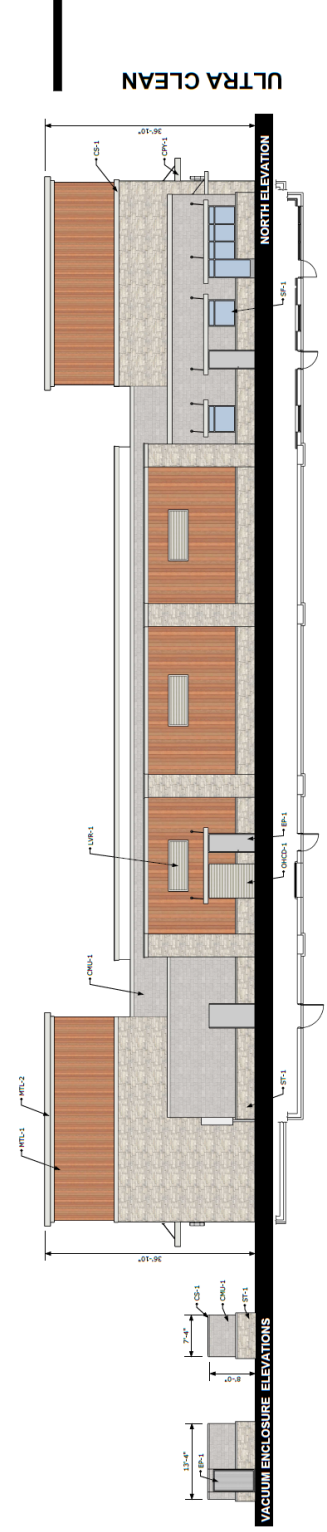
D. Conceptual Elevations

AD DG
 A PLUS DESIGN GROUP
 ARCHITECTURE INTERIORS CONSTRUCTION
 977-734-4440
 10001 RIVERCHASE DRIVE
 SUITE 200
 COLUMBIA, MD 21046



MATERIALS LEGEND

CMU-1	BURNISHED CMU
CMU-2	BURNISHED CMU
CS-1	CLAY TILE
CS-2	CLAY TILE
ES-1	EXTERIOR STAIR CASE
ES-2	EXTERIOR STAIR CASE
ES-3	EXTERIOR STAIR CASE
ES-4	EXTERIOR STAIR CASE
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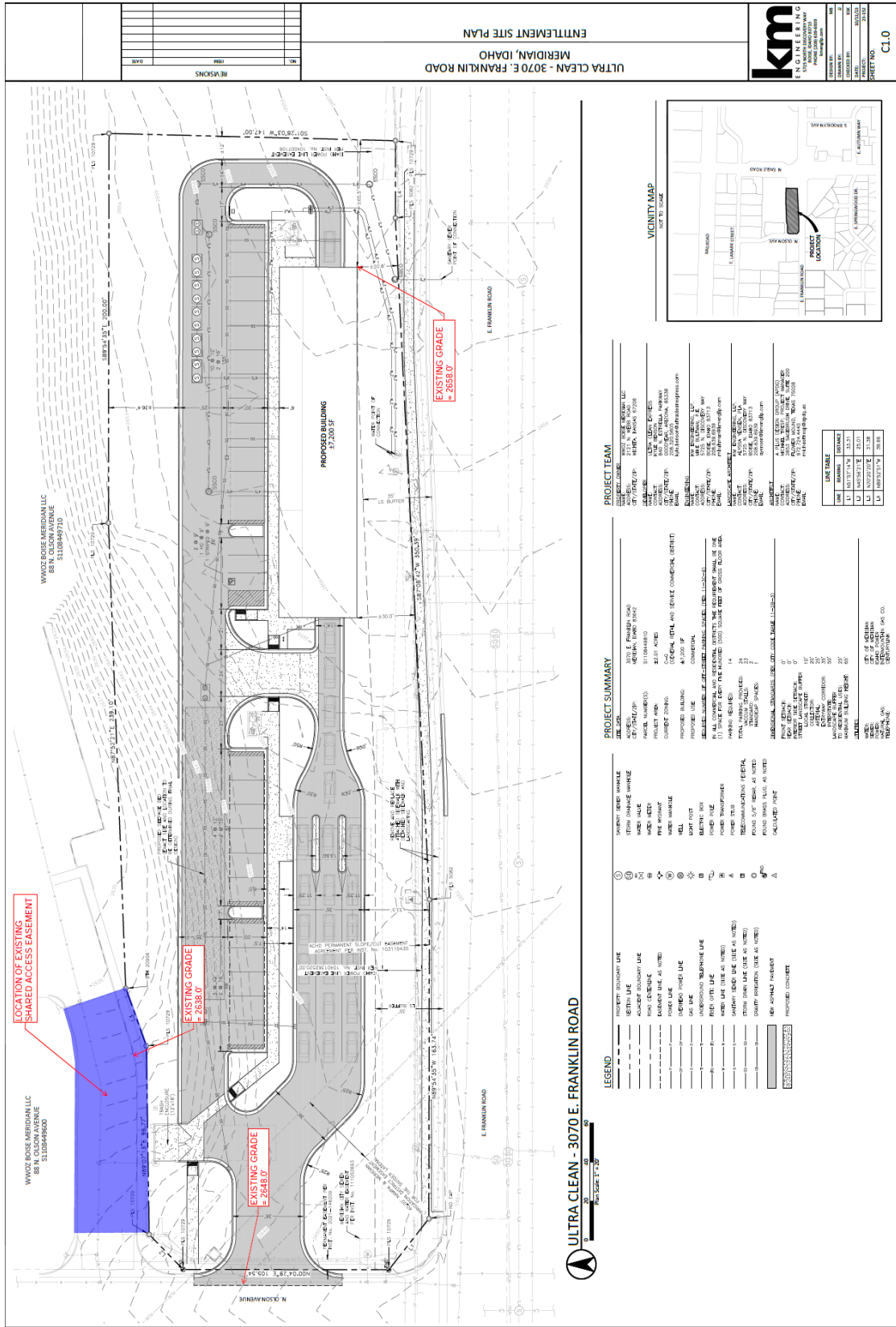


FOR:
 A NEW FACILITY
 3070 E Franklin
 Meridian ID

Project No. 22-0927
 Date 10/06/2023

ELEVATIONS

E. Grading Exhibit



PROJECT TEAM

ROLE	NAME	COMPANY
PROJECT MANAGER	DAVID J. BROWN	km ENGINEERING
DESIGNER	CHRISTOPHER J. BROWN	km ENGINEERING
CLIENT	ULTRA CLEAN	ULTRA CLEAN
OWNER	ULTRA CLEAN	ULTRA CLEAN
ADDRESS	3070 E. FRANKLIN ROAD	TAMPA, FL 33606
DATE	08/14/2018	
PROJECT NO.	18000000000000000000	
PROJECT NAME	ULTRA CLEAN	
PROJECT ADDRESS	3070 E. FRANKLIN ROAD	TAMPA, FL 33606
PROPOSED USE	COMMERCIAL	
ADDITIONAL INFORMATION	SEE ADDITIONAL SHEETS FOR GRADING AND UTILITIES.	

PROJECT SUMMARY

ITEM	DESCRIPTION	QUANTITY
1	PROPOSED BUILDING	87,200 SF
2	PROPOSED DRIVEWAY	1,000 SF
3	PROPOSED PARKING	20 SPACES
4	PROPOSED LANDSCAPE	1,000 SF
5	PROPOSED UTILITY	1,000 LF
6	PROPOSED EROSION CONTROL	1,000 LF
7	PROPOSED SIGNAGE	1 SIGN
8	PROPOSED FENCE	1,000 LF
9	PROPOSED LIGHTING	10 FIXTURES
10	PROPOSED SECURITY	1 CAMERA
11	PROPOSED ACCESS	1 DRIVEWAY
12	PROPOSED EASEMENT	1 EASEMENT
13	PROPOSED CONCRETE	1,000 SF
14	PROPOSED ASPHALT	1,000 SF
15	PROPOSED GRAVEL	1,000 SF
16	PROPOSED SAND	1,000 SF
17	PROPOSED SOIL	1,000 SF
18	PROPOSED VEGETATION	1,000 SF
19	PROPOSED TREES	10 TREES
20	PROPOSED SHRUBS	100 SHRUBS
21	PROPOSED FLOWERS	100 FLOWERS
22	PROPOSED MULCH	1,000 SF
23	PROPOSED COMPOST	1,000 SF
24	PROPOSED FERTILIZER	1,000 SF
25	PROPOSED PESTICIDES	1,000 SF
26	PROPOSED IRRIGATION	1,000 SF
27	PROPOSED WATER	1,000 SF
28	PROPOSED SEWER	1,000 SF
29	PROPOSED GAS	1,000 SF
30	PROPOSED ELECTRIC	1,000 SF
31	PROPOSED TELEPHONE	1,000 SF
32	PROPOSED CABLE	1,000 SF
33	PROPOSED OPTICAL FIBER	1,000 SF
34	PROPOSED RAINWATER	1,000 SF
35	PROPOSED SWALE	1,000 SF
36	PROPOSED CURB	1,000 SF
37	PROPOSED GUTTER	1,000 SF
38	PROPOSED DOWNSPOUT	1,000 SF
39	PROPOSED MANHOLE	1,000 SF
40	PROPOSED CHECK VALVE	1,000 SF
41	PROPOSED AIR RELEASE	1,000 SF
42	PROPOSED FLOW METER	1,000 SF
43	PROPOSED PRESSURE TRANSDUCER	1,000 SF
44	PROPOSED WATER METER	1,000 SF
45	PROPOSED GAS METER	1,000 SF
46	PROPOSED ELECTRIC METER	1,000 SF
47	PROPOSED TELEPHONE METER	1,000 SF
48	PROPOSED CABLE METER	1,000 SF
49	PROPOSED OPTICAL FIBER METER	1,000 SF
50	PROPOSED RAINWATER METER	1,000 SF

LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY BOUNDARY LINE
---	SETBACK BOUNDARY LINE
---	ADJACENT BOUNDARY LINE
---	EXISTING GRADE
---	PROPOSED GRADE
---	PROPOSED DRIVEWAY
---	PROPOSED PARKING
---	PROPOSED LANDSCAPE
---	PROPOSED UTILITY
---	PROPOSED EROSION CONTROL
---	PROPOSED SIGNAGE
---	PROPOSED FENCE
---	PROPOSED LIGHTING
---	PROPOSED SECURITY
---	PROPOSED ACCESS
---	PROPOSED EASEMENT
---	PROPOSED CONCRETE
---	PROPOSED ASPHALT
---	PROPOSED GRAVEL
---	PROPOSED SAND
---	PROPOSED SOIL
---	PROPOSED VEGETATION
---	PROPOSED TREES
---	PROPOSED SHRUBS
---	PROPOSED FLOWERS
---	PROPOSED MULCH
---	PROPOSED COMPOST
---	PROPOSED FERTILIZER
---	PROPOSED PESTICIDES
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---	PROPOSED SEWER
---	PROPOSED GAS
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---	PROPOSED TELEPHONE
---	PROPOSED CABLE
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---	PROPOSED RAINWATER
---	PROPOSED SWALE
---	PROPOSED CURB
---	PROPOSED GUTTER
---	PROPOSED DOWNSPOUT
---	PROPOSED MANHOLE
---	PROPOSED CHECK VALVE
---	PROPOSED AIR RELEASE
---	PROPOSED FLOW METER
---	PROPOSED PRESSURE TRANSDUCER
---	PROPOSED WATER METER
---	PROPOSED GAS METER
---	PROPOSED ELECTRIC METER
---	PROPOSED TELEPHONE METER
---	PROPOSED CABLE METER
---	PROPOSED OPTICAL FIBER METER
---	PROPOSED RAINWATER METER

VICINITY MAP

ULTRA CLEAN - 3070 E. FRANKLIN ROAD

WOOD BOONE MERIDIAN LLC
88 N. OLSON AVENUE
S110849710

WOOD BOONE MERIDIAN LLC
88 N. OLSON AVENUE
S110849660

F. Staff Recommended Development Agreement Provisions

The Development Agreement shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the development agreement modification request. The DA shall, at minimum, incorporate the following provisions:

1. Future development of the subject property shall substantially comply with the conceptual development plans included in Section VII, the standards in the Unified Development Code, and the provisions contained herein.
2. Mufflers shall be installed on all vacuums to mitigate noise impacts on the abutting hotel use to the north.
3. Dense landscaping consisting of a mix of evergreen and deciduous trees and shrubs shall be provided along the northern boundary of the site that allows trees to touch within five (5) years of planting to mitigate noise from the proposed development to the hotel use on the abutting property to the north.
4. The hours of operation of the vehicle washing facility shall be limited from 6:00 am to 10:00 pm to mitigate noise impacts on the abutting hotel use to the north.
5. A 10-foot wide detached sidewalk shall be installed along E. Franklin Rd. on the subject property and off-site on the adjacent property to the east owned by ACHD *if* consent can be acquired from the property owner.
6. A 35-foot wide street buffer, measured from ultimate back of curb location, shall be provided along E. Franklin Rd., an entryway corridor; and a 10-foot wide street buffer, measured from back of sidewalk, shall be installed along N. Olson Ave., a local street. Landscaping shall be installed within these street buffers in accord with the standards listed in UDC 11-3B-7C, including enhanced landscape standards for entryway corridors (i.e. E. Franklin Rd.).
7. The future structure on the site and the layout of the site shall comply with the design standards listed in UDC 11-3A-19 and in the Architectural Standards Manual.
8. The City Council requested the Applicant check into the possibility of entering into a license agreement with ACHD for maintenance and/or improvements of/to the abutting property to the east owned by ACHD.